This policy paper is a product of the “Refugees in Lebanon: An Unknown Path (RiLUP)” campaign, launched by Access Center for Human Rights (ACHR) in May 2021, in cooperation with several local and international civil society organizations working on refugee affairs. The campaign aims to shed light on Syrian refugee issues in Lebanon, by providing donors, the international community and United Nations bodies with legal recommendations that may contribute to amending the Lebanese government’s policy of dealing with refugees, urging it to abide by international law, as well as calling on the United Nations High Commissioner for Refugees (UNHCR) to strengthen its role in supporting refugee issues.

The campaign is an extension of the "Refugee Rights Defenders Delegation" organized by ACHR in 2019, which aimed to shed light on refugee issues in Lebanon and their suffering, coming forth with recommendations to international bodies and the Lebanese government concentrating on the issue of arbitrary deportation to Syria. The delegation at that time included a group of human rights defenders interested in and working on refugee affairs in different countries.

ACHR is a non-profit and non-governmental human rights organization founded in 2017 in Lebanon, and re-established in France in 2020, and includes a group of activists with experience in law, as well as local and international advocacy. ACHR launched its activities in Lebanon, due to its belief in supporting refugee rights, at a time of a rise in serious violations against them. ACHR is specialized in observing the refugees' human rights situation and publishes periodic publications on mass violations with the aim of raising awareness and international advocacy to ensure their right to human dignity in the countries of asylum until their voluntary, dignified, and safe return to their country of origin.
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As Lebanon goes through multiple concurrent crises, the “Refugees in Lebanon: An Unknown Path” advocacy campaign NGO coalition produced an action paper heavily relying on their own work on the ground and conducted at least 16 meetings with various stakeholders working on the refugee file. The action paper provided recent information on the current conditions of Syrian refugees in Lebanon in all sectors: protection, education, health, and livelihoods, as well as recommendations to the relevant actors to the refugee file in Lebanon. The paper’s aim was providing accurate, unbiased, and updated information on this situation to provide stakeholders with a better understanding of the current context, and the needed change and solutions suggested by the organizations that are working on these issues or responding to these needs.

As it stands, Lebanon continues to argue against refugees, whether through direct pressures such as rampant human rights violations including arbitrary arrests, torture, ill-treatment, and arbitrary deportation, or through indirect pressures including arbitrary and restrictive decisions, and the failure to fight hate speech and human rights violations. Current policies for managing the Syrian refugee file in Lebanon are based on short-term strategies that further increase the challenges faced by refugees and limit their access to any basic rights. Lebanon, in coordination with UN agencies and non-governmental organizations, and with the support of the international community must adopt a long-term strategy for the management of the refugee file that prioritizes self-reliance of refugees and considers durable solutions for the refugee crisis, with a sensitive approach that works on minimizing social tensions between refugees and Lebanese citizens.

Based on the action paper and the meetings conducted, the Coalition produced a policy paper analysing the current framework and providing a set of key recommendations directed to all involved actors - collectively and individually, and inviting those concerned with the refugee file, including the Lebanese authorities, the UNHCR, the international community, donors, and civil society organizations, to protect the host community and Syrian refugees from the exacerbating impact of the ongoing crises, and to promote long-term strategies to support them.

Executive summary

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Introduction

In the context of the crisis engulfing Lebanon, civil society organizations are still working to support citizens and refugees by addressing the incapacity of the Lebanese State at providing the necessary needs in light of the deteriorating living conditions due to the economic crisis and the political situation, additionally impacted by the COVID-19 pandemic.

Unfortunately, the Syrian refugee file has become the subject of flimsy arguments presented by high-level political officials and government representatives to justify these crises, while disregarding their moral and legal responsibilities which has led to Lebanon’s current state. Since 2018, Lebanese authorities have intensified their direct and indirect pressure on the refugees. The means of pressure include adopting a “return plan” and conducting mass deportations and forced returns organized by the Lebanese General Security without regard to the risks Syrians may face upon return, such as arrest, detention, torture, murder and/or forced recruitment into Syrian Armed Forces. Moreover, refugees face systematic restrictions and challenges in various sectors, while the aforementioned existing crises, in addition to the declining value of international aid provided to Lebanon as a host country, heavily impacted marginalized groups, including refugees.

For instance, during 2020, there was a rise in business closures and layoffs which significantly increased the unemployment rate among both citizens and refugees. The health sector was also impacted, as refugees struggle to access primary health care services due to high medical costs, as well as limited availability of coverage for these services. This challenge was majorly highlighted during the pandemic where refugees were deprived from access to COVID-19 testing, proper treatment, and vaccination.

Additionally, the education sector was not spared in the crisis. As living costs increase, so did the demand for public education, leaving infrastructure that was already at low capacity to be even lower. The Ministry of Education imposed conditions on registration for Syrian refugees in schools, requiring legal residency to sit for the official exams, a challenge for many Syrians as recent studies have shown that at least 80 percent of Syrian refugees in Lebanon did not possess legal residency in 2020.

The lack of residency puts individuals at further protection risks and increases the risk of arrest, confiscation of official documents, deportation, eviction, and other human rights violations. Between 1 January 2020 and 25 May 2021, Access Center for Human Rights (ACHR) documented 225 violations committed against Syrian refugees in Lebanon, ranging from arbitrary arrest and detention, torture, confiscation of official documents, arbitrary deportation, forced eviction, sexual violence, discrimination based on custom, thought, belief, to incitement to violence and hate speech.

This paper aims to assess the current policies related to the management of the refugee file in Lebanon and propose recommendations and solutions to relevant actors to encourage positive and sustainable reform, in line with the needs of Syrian refugees.

Lebanon continues to argue against refugees, whether through direct pressures such as rampant human rights violations including arbitrary arrests, torture, ill-treatment, and arbitrary deportation, or through indirect pressures including arbitrary and restrictive decisions, and the failure to fight hate speech and human rights violations.

Lebanon’s current policy towards Syrians acquiring legal residency plays a crucial role in all challenges that Syrians face on all levels. This is due to the fact that residency is needed to access basic services, find legal work opportunities and register life events such as births and marriages. Moreover, the lack of legal status restricts refugees’ freedom of movement as they may be stopped and arrested at checkpoints, and places them at higher risk of arbitrary arrest, detention, torture and ill-treatment and deportation.

Currently, the Directorate of General Security imposes very difficult preconditions for legal residency, making it difficult for refugees to obtain official residency papers, as nearly 80 percent of Syrian refugees over the age of 15 lack legal residency in the country, either due to the high fees imposed on obtaining residency, the complex procedures and conditions required by the Lebanese General Security, the significant delay in reviewing and deciding on the applications, or even due to the rejection of the applications by the General Security. Despite the State Shura Council having annulled the General Security’s decision regarding the conditions of entry and residence for Syrian refugees, in 2018 and having called on the Ministry of Interior to reverse it, nonetheless, the Ministry of Interior and Municipalities has yet to reverse the latter decision.

In less than a year, Lebanon’s currency has lost around 90 percent of what it was worth in late 2019, when Lebanon’s economic and financial crisis erupted. According to the World Bank, the current financial and economic crisis in Lebanon may rank third among the ten most severe crises in the world since the mid-nineteenth century. Given that Lebanon is largely an importer of consumer goods, the impact has been particularly significant on the purchasing power of the resident population, whether they are citizens, refugees, or residents. According to the “Vulnerability Assessment of Syrian Refugees in Lebanon for 2020” (VASyR 2020), 89 percent of Syrian refugee families live below the poverty line, an alarming increase compared to 55 percent during the year 2019. The assessment also showed that 49 percent of Syrian refugees suffer from food insecurity after food prices doubled in Lebanon since October 2019.

The Ministry of Labour has prohibited foreigners, including Syrians, from undertaking their liberal professions, businesses, jobs and trades in administration, banking, insurance, and education to the Lebanese, and only excluded Syrians from the ban on work in the agricultural, construction and environmental sectors. Refugees also face numerous organizational, administrative, legal, and professional barriers to formal practice. For example, Syrian doctors in Lebanon face difficulties in obtaining legal work permits, are unable to secure licenses to practice without incurring unusual costs, and other related challenges that prevent entry into the labour market.
The economic and financial crisis has also led to a sharp rise in business closures and layoffs, causing the unemployment rate among Syrian refugees to increase by eight percent in 2020 compared to the previous year to reach a 46 percent among Syrian refugee women and 38 percent among Syrian men. In addition to the liquidity crisis, Lebanon was affected last year by the COVID-19 pandemic, a recent report by the International Labour Organization, revealed that 60 percent of Syrians working in Lebanon were laid off after the emergence of COVID-19, compared to 39 percent of Lebanese citizens. The Lebanese government has not provided any scheme or financial assistance to offset the losses incurred by companies and the general population. In general, people residing in Lebanon were left alone to cope with the crisis. The impact of COVID-19 is likely to have other serious long-term consequences. Refugees are currently largely dependent on humanitarian aid provided by donor countries, but governments in those countries have spent hundreds of billions of dollars to mitigate the impact of the pandemic on their economies, and much of the money will continue to be spent on helping these economies recover in 2021. This poses a real risk of declining humanitarian aid that was going to the refugees.

**Health conditions**

Refugees continue to face difficulties in accessing health care services which may be due to several factors, such as: the complex health care system in Lebanon; geographical barriers such as the high cost of moving between areas; the high cost of obtaining medical services; structural barriers such as the complex medical referral system; lack of necessary awareness and knowledge about symptoms of diseases, treatment, available services and how the system works; prejudice against refugees; discrimination from health care providers; and finally the perceived lack of attention and care from service providers. Some primary health care centres and hospitals ask Syrian refugees for their identity documents in exchange for the referral system.17

Refugees and their education due to the regulation that states; students in the ninth and twelfth grades must obtain valid residence permits or passports to sit for official exams,22 demonstrating that took place amid the new tax measures imposed, and worsened by the COVID-19 pandemic. Poor infrastructure, poor internet connectivity, regular power cuts, and the high cost of technological devices such as laptops and mobile phones were major obstacles preventing refugee children from resuming their studies during the pandemic. The lack of legal identity also stands as a barrier between refugees and their education due to the regulation that states; students in the ninth and twelfth grades must obtain valid residence permits or passports to sit for official exams; students are also required to submit official degree certificates and transcripts from Syria for the ninth and twelfth grades, a process challenging or impossible for many.22

The Ministry of Education and Higher Education’s refusal to allow non-governmental institutions to run informal educational centers that teach the Lebanese national curricula and only allows them to teach basic reading, writing and arithmetic lessons also poses a challenge in accessing education. Syrian children must complete the “donor-funded Special Accelerated Learning Program” to enroll in public school, however, the ministry did not offer this program in the last two years, nor did it offer any remote learning programs to the approximately 6,500 students who were enrolled, and NGOs were prevented from providing alternative education.24

Exploring various policies and solutions

The politics surrounding the refugee file have resulted in increased discrimination and marginalization of refugees. Authorities are increasingly calling for the return of Syrian refugees to their home country and are conducting arbitrary deportations and forced returns, while the host community’s anti-refugee sentiments are intensified amid the concurrent crises, coupled with inaccurate information about refugees. Through all of this, Syrian refugees continue to face grave human rights violations among all sectors: protection, education, health and living conditions amid a disorganized management of the refugee crisis. Despite Lebanon not signing the 1951 Refugee Convention, and despite their refusal to acknowledge Syrian refugees as “refugees” rather than “displaced individuals”, Lebanon still has legal obligations towards them under international and national law, to provide them with the necessary protection and not return them to a country where they may be at risk of torture or persecution.

The critical situation in Lebanon calls for urgent interventions by all parties, including the Lebanese authorities, UNHCR, the international community, donors, and civil society organizations, to protect Syrian refugees from the impact of the worsening crises in the country. However, the tense political climate and a changing humanitarian landscape increase the risk that refugee-focused interventions will fuel further unrest. Instead, donors and their implementing partners from the Lebanese government and civil society networks should strengthen their commitment to helping Lebanese and Syrians side by side and seeking new opportunities to build the foundations of sustainable development for all. This approach must also combine increased humanitarian support for the Lebanese with long-term strategies to support Syrian refugees, finding ways to build their self-reliance alongside pathways toward durable solutions.

The evident mismanagement of the refugee file, in all sectors, demands crucial and structural policy changes, which in turn necessitate the responsiveness and cooperation of the Lebanese authorities in taking the measures and actions that ensure the improvement of conditions, in coordination and cooperation with local civil society actors that have the on-the-ground experience and the expertise on the needs and challenges relevant to this file.

Although the international community and donor parties may not have the authority to directly amend policies and adopt new measures and decisions, they remain crucial actors and targets when it comes to policy change as they are substantial funders of the refugee file in Lebanon and may have leverage in the negotiations with the authorities for the aim of contributing to the needed change and may therefore be able to indirectly influence policy.

After the campaign members produced a joint action paper and conducted at least 16 meetings with various stakeholders interested in the refugee file, including foreign state representatives, donors, international organizations and civil society organization networks, the following possible solutions are presented to the different actors directly and indirectly involved in the management of the refugee file.
The International Community

**Increase inclusion of Syrian civil society**

- Improve responsiveness to the needs and concerns of the host communities and refugees and ensure that representatives of Syrian refugees and Lebanese host communities are included in intersectoral meetings and in working groups at the national, local and project level, so that they provide their input and their views on aid plans and policies that address return conditions to adopt ones that enjoy greater acceptance, and to take decisions that facilitate their implementation on the ground.

**Support self-reliance of Syrian refugees through economic and educational opportunities and capacity building,**

- Support programs that generate social and economic opportunities for Syrian and Lebanese women, and launch joint initiatives, and projects that discuss gender norms that works to reduce structural inequality in society, improve women’s security and well-being, empower women, and raise awareness among Syrian families, and establish the right to education, with focus on education for the most disadvantaged girls and help integrate them into the labor market.

- Prioritize increasing financial support to the education sector, to improve its quality and equitable access to educational opportunities in the public system through continuous follow-up, strengthening capacity building of teachers, enhancing information and communication technology.

**Ease social tensions between the host community and the refugee community**

- Strengthen interaction between refugees and host communities – with a focus on children, youth, and women – spreading a culture of mutual respect and acceptance of the other and encouraging both parties to participate in joint social or cultural activities and events. These efforts will build initial trust and present an opportunity to dispel preconceived notions and get over the negative stereotypes that the two sides form of one another.

- The research indicated that efforts to encourage refugees and host communities to work together on economic projects may be very important. Indeed, the economic integration of the two societies through joint income-generating activities may change preconceived notions and lead people to view the economic success of their own society as being linked to the success of the other. This may be true for towns where cross-border trade was a significant source of income, and which have been hampered by border closures.

**Support pathways for durable solutions**

- Develop a policy that is more consistent with the international and regional legal framework, with regards to asylum seeking at European borders, facilitating family reunification processes, expanding national programs for entry (such as family entry visa programs and visas for humanitarian considerations) in a way to deal with Emergency cases or those not covered by the resettlement program.

- Design new financing mechanisms that adopt a broader and longer-term vision to respond to the Syrian refugee crisis. These mechanisms would include programs to enable refugees to access markets and services, to integrate them economically into the host economy, and to put in place mechanisms to replace social assistance with job opportunities and independent sources of income.
Lebanese authorities

Annul policies and decisions that are discriminatory against Syrian refugees and contradictory to Lebanon’s international law obligations.

- Nullify through the Ministry of the Interior and Municipalities the decisions of some Lebanese municipalities that states a curfew for Syrian refugees, for violating the Lebanese laws that entrusted power to impose a curfew to the military authorities only according to a decision and conditions set by the emergency law, and for violating basic human rights and the principle of non-discrimination, and the requirements for restricting freedom of movement contained in the International Covenant on Civil and Political Rights.

- Granting Syrian refugees temporary legal status and defining a clear and non-incapacitating legal framework for them, facilitating regulatory mechanisms to ease their entry into the national labor market in addition to increasing job opportunities for citizens, and supporting livelihood strengthening and entrepreneurship development initiatives in a local framework within the host communities and refugees.

- Adopt a clear policy regarding legal status for Syrian refugees in accordance with international human rights law.

- Develop a comprehensive system to deal with refugee child labor cases in coordination with the Ministry of Social Affairs, the Ministry of Labor and humanitarian actors, to deal immediately with cases of vulnerable children, and to develop working complaint mechanisms in cooperation with judicial authorities.

- Investigate the violations of general security forces and the allegations of inconsistently applied residency policies, including requiring refugees registered with UNHCR to obtain a sponsor, and Syrians signing a pledge not to work even after this requirement was abolished in 2016.

- Immediate and unconditional release of all arbitrarily detained Syrians, conduct re-investigations in accordance with legal procedures, review of issued judgments and annulment of judgments proved to be based on statements extracted under torture and on trial procedures that do not comply with fair and impartial trials.

- Commitment to international standards to ensure that prisoners are treated appropriately. Ensuring their rights to health in terms of conducting a comprehensive health examination upon entering prison, the right to food in terms of providing and improving the quality and quantity of food, the right to personal hygiene in terms of providing necessities and clean water, and the right to communication in terms of enhancing the communication of prisoners and detainees with their families.

- Stress the prohibition of torture, and state that anyone who commits these acts or is found to be in any way complicit in their commission or acquiescence in them is personally responsible before the law and is subject to criminal prosecution and penalties.

- Ensure that all cases and allegations of torture and ill-treatment are investigated promptly, effectively, and impartially, and that the perpetrators of such acts are prosecuted and punished in accordance with Article 4 of the International Convention against Torture.
- Ensure that all detainees enjoy all fundamental legal safeguards from day one of detention, including the right to confidential access to a lawyer, particularly during investigation and interrogation, to be brought before a judge within the legal period, and to seek an independent medical examination. All medical examinations of detainees should be carried out away from law enforcement officials.

- Work to improve conditions of detention and reduce the issue of overcrowding prisons, through the application of non-custodial measures and the provision of appropriate budgets for the construction and/or extension of prison facilities in order to ensure respect for international human rights standards, in particular the United Nations Standard Minimum Rules the Treatment of Prisoners (the Nelson Mandela Rules) and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rule).

- Adhere to the time limits stipulated in the Lebanese Criminal Procedures for all crimes without exception, and the treatment of prisoners and detained minors in accordance with juvenile law.

- Cooperate with international detention monitors and human rights monitors and granting them access to all detention centers, to carry out visits to determine human rights status in these centers. Facilitate visits by members of the Subcommittee on Prevention of Torture pursuant to the Optional Protocol to the Convention against Torture and Other Cruel Inhuman Treatment.

- Work to activate the Decree of 1949 of organizing prisons, which includes explicit texts (from Article 117 to 131) that require the prisoner to practice professional work in return for financial wages, from which the state obtains 10 percent, and the rest is kept for the prisoner with half of them until his release and the other half for prison expenses.
Establish legal assistance and support programs for Syrian refugees that guarantee the right of defense, financial support programs for prisoners whose release is delayed despite completing the prescribed sentence due to the inability to pay fines, and psychological and practical rehabilitation programs after release.

- Coordination among the UN refugee agency and civil society institutions and organizations working on prisons and women prisoner affairs, to develop a comprehensive, operational, and procedural action plan to deal with the conditions of detainees in Lebanese prisons.

- Provide all possible and available forms of support to the families of detainees. Work to provide assistance, especially in the cases where head of household is imprisoned and following up on job opportunities and studies of their children or employing them in productive programs.

Prioritize access to equitable and safe quality education for refugees.

- Develop a strategy to address children's access to education and a plan for more effective use of available school space and establish additional learning shifts in public schools with more focus on quality.

- Adopt and implement stricter guidelines to combat harassment in schools and strengthen child protection mechanisms by providing avenues to complain, investigate, address, and prosecute allegations harassment and discrimination against children.

- Give priority to improving the level of equitable access to educational opportunities in the formal public system, improving the quality of the education environment, and providing psychological support for children as one of the basic societal paths to support the process of coexistence and to re-establish societal ties in the future.
Lebanon, a country that was already dealing with deteriorating living and economic conditions and limited infrastructure, was hit by an unprecedented economic crisis since 2019 that deeply worsened the living conditions, as well as the health and infrastructure. These conditions were further aggravated with the COVID-19 pandemic and the Beirut Blast of 2020.

Subsequently, the question of the future of the refugee file in Lebanon becomes an increasingly pressing issue. While this critical situation calls for urgent intervention by relevant actors and decision-makers, any intervention made should take a “Whole of Lebanon” approach in which both refugees and Lebanese citizens are considered, in order to not fuel tensions between them. Furthermore, this support must be based on a long-term strategy that aims for building self-reliance among refugees and pathways for durable solutions and should be shaped by seriously listening to Syrian civil society voices and including their findings and needs assessment.

Long-term self-reliance pathways may be reached by improving access and availability of social and economic opportunities for Syrian refugees as well as access to equitable and quality education. Additionally, the strategy should shape the way for durable solutions by increasing resettlement opportunities and supporting a clear legal framework for a temporary legal status for Syrian refugees in Lebanon, in accordance with international human rights.

Lebanon must also adopt a transparent policy when it comes to violations of due-process, detainee rights and conditions of detention centres, by seriously investigating these violations and coordinating with UN working groups and non-governmental organizations. On the other hand, UN agencies and non-governmental organizations must develop a comprehensive and operational action plan to assist detainees in prisons with financial and legal support.

In short, Lebanon, in coordination with UN agencies and non-governmental organizations, and with the support of the international community must adopt a long-term strategy for the management of the refugee file that prioritizes self-reliance of refugees through economic and educational opportunities, and that considers durable solutions for the refugee crisis through temporary legal stay in Lebanon and resettlement opportunities, all while using an inclusive and sensitive approach that works on minimizing social tensions between refugees and Lebanese citizens.